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EXAMINER
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JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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01/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/021,877

Applicant(s)

LURIE, STEVEN

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office action is in response to the communication received on September 13, 2007.

Claims 1-34 are still pending in the application,

#### **Response to Arguments**

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

#### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 5, 11 and 15 are rejected under rejected under 35 U.S.C. 102(e) as being anticipated by Faber et al "Faber" (US 20020010608).

As per claims 1, 5, 11 and 15, Faber teaches a system for providing services in real-time over the Internet. In so doing, Faber discloses teaches determining a service provider ID code (paragraph 35); service seekers having received advice regarding a field of service from a service provider corresponding to the determined service provider ID code; and displaying service seekers, via a customer display screen, to enable relationship management of the listed service seekers (paragraphs 35-36 indicates a client table (200) which contains a listing of clients and their respective information and tables with listings of clients or service seekers and their affiliations with service providers).

5. Claims 2-4, 6, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faber (US 20020010608) in view of Whyel (US 2001/0027481).

As per claims 2 and 12, Faber does not explicitly teach login specifics. Whyel teaches that it is known to receive a login request from a service provider, including a service provider ID code and a service provider password (See Figure 12A (1220)); verifying the service provider password as corresponding to the service provider ID code from the login (See Figure 12A (1225) and Figure 13A (1317)); presenting the service provider with a service provider system home page (See Figure 12A (1240)); and once the service provider selects a customer-management link, presenting the service provider with a customer management interface screen (See Figure 13A (1330)). Whyel is an analogous art as it also teaches managing workplace services. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the workplace management system of Faber with the enhanced login features of Whyel to provide a more easy-to-use and marketable product.

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As per claims 3 and 13, Faber does not explicitly teach selecting a service provider and generating transaction records. Whyel teaches that it is known to select a service provider available from a service provider system (See Figure 1 (330) Service Provider Interface, where the customer can view and book appointments with the desired provider); determining one or more service seekers having received advice communication regarding a field of service from the selected service provider (See Figure 5 where there is a list of the customers that will visit a specified service provider.); generating a transaction record within a service seeker transaction database for each determined service seeker (paragraph 70: "Each record of End User Table 400 represents information pertaining to End Users (320) who have confirmed appointments/reservations with the system, and includes the following information elements: END USER ID 402; END USER EMAIL 404; END USER PASSWORD 406; END USER FIRST NAME 408; END USER LAST NAME 410; END USER TIME ZONE 412; and END USER POSTAL CODE 414. In actual implementation, other fields may be added to store more detailed information related to each end user or for database management system purposes"); and repeating the selecting, determining and generating for each service provider available from the service provider system (See Figure 5 "Service Provider Table" where each provider is tabulated with their corresponding information). Whyel is an analogous art as it also teaches managing workplace services. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Whyel with the service provider selection and transaction record enhancement features of Faber in order to provide means of tracking information more easily which in turn provides a more marketable and comprehensive product.

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As per claims 4 and 14, Faber teaches detecting a service provider ID code of the service provider, providing the determined service provider ID code to a service seeker list generation procedure. Faber does not explicitly teach receiving a selection from a service provider for a customer management link. Whyel teaches that it is known to receive a selection from a service provider for a customer management link (paragraph 110: "In Step 1320, the end user locates a desired Service Provider 350 on the system 10 using either a direct Internet address or by inputting appropriate keywords as part of a Search utilizing a Search Engine. In the case where a direct Internet address is used, a unique Internet address is assigned to each Service Provider 350 upon registration with the Central Controller 300. This unique Internet address can be entered by an End User directly in the address window of an Internet browser. Alternatively, the Internet address can be linked directly from any web page on the Internet." Whereby the link is one directed to the service provider). Whyel is an analogous art as it also teaches managing workplace services. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the workplace management system of with link features of Whyel to provide a more user-friendly and efficient system that minimizes the time of the user which provides a more marketable product.

As per claims 6 and 16, Faber does not explicitly teach sorting the list of service seekers. Whyel teaches that it is known to sort the list of service seekers according to a date of most recent contact with the corresponding service provider (See Figure 8 where the appointments are listed chronologically); providing the service provider with one or more links for selecting customer management processing commands, the customer management processing commands for processing one or more selected service seekers contained in the listing (paragraph 74:

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“Table 500 preferably includes the following eight information elements: SERVICE PROVIDER ID 502; SERVICE PROVIDER EMAIL 504; SERVICE PROVIDER PASSWORD 506; SERVICE PROVIDER TITLE 508; SERVICE PROVIDER TYPE 510; SERVICE PROVIDER ZIP CODE 512; SERVICE PROVIDER TIME ZONE 514; and SERVICE PROVIDER ACTIVATION SETTING 516. In actual implementation, other fields may be added to store more detailed information related to each Service Provider 350 or for database management system purposes, or other tables may be added to manage Service Provider data. The addition of such information fields will be readily appreciated by those skilled in the art of database management system design and implementation.” Whereby the commands would be inherent in a database management system, such as sorting or editing or deleting.); and when a sort request is received from the service provider, sorting the listing according to criteria provided by the service provider (See Figure 8 where the listing of appointments is sorted chronologically and whereby sorting is an inherent feature in a database management system). Whyel is an analogous art as it also teaches managing workplace services. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Faber with the sorting features of Whyel to provide a more easy-to-use and comprehensive product.

5. Claims 7-10 and 17-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faber in view of Pugliese et al (US 2002/0072974).

As per claims 7 and 17, Faber does not explicitly teach receiving a service provider selection for one or more of the service seekers contained in the service seeker display screen. Pugliese teaches that it is known to receive a service provider selection for one or more of the service

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seekers contained in the service seeker display screen (See Figure 4 where the merchant (including service providers) can query the shopper mission and view their shopper profile (430)); receiving a service provider selection including a selected customer management processing command (paragraph 171, whereby there is a list of functions available to the service provider that are selected from and executed); and processing the selected service seekers according to the selected customer management processing command (paragraph 173, whereby the provider can enter the browser for ShopLive to activate a video session with the customer). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the services management system of Faber with the provider features of Pugliese in order to make a more comprehensive and marketable product.

As per claims 8, 18 and 34, Faber does not explicitly teach when a compose mail command is received, providing the service provider a mail screen for entering in desired information to be provided to each of the selected service seekers via electronic mail. Pugliese teaches that it is known that when a compose mail command is received, providing the service provider a mail screen for entering in desired information to be provided to each of the selected service seekers via electronic mail (paragraph 96: email messages and paragraph 162:

“ShopLive system users have access to an Internet email application that processes sending and receipt of emails. The ShopLive application generates and sends emails to various system users. Typical emails include order confirmation, marketing notices, merchant traffic reports, referral fee notices, and/or shopper purchase confirmation.”); when a service seeker block command is received, blocking each selected service seeker from receiving further advice from



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the service provider (Official notice is taken that an inherent feature of internet email systems is having the ability to block various addresses); and when a service seeker assignment command is received, assigning the selected service seekers to one or more list designated by the service provider (paragraph 228: "An internal process 616, processes the message and forwards it to the correct recipient based on the embedded address data. Multiple instances of the notification processing software execute simultaneously. The recipients include the shopper portal 100, SLA gateway 102 and the merchant gateway 106. The shopper portal 100 initiates a ShopLive video session 612 and connects the SLA gateway 102 and merchant gateway 106 to place the shopper and merchant in communication.")). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the services management system of Faber with the mail features of Pugliese to make a more efficient means for communicating with customers which provides a more comprehensive and marketable product.

As per claims 9 and 19, Faber does not explicitly teach repeat customers. Pugliese teaches that it is known to determine one or more of the service seekers from the service seeker list, which are designated as potential repeat customers according to pre-determined criteria (See Figure 2: "View Sales Report", "Customer Order Administration" and "Query Shopper Profile" which would allow the provider to know which customers are buying the products and inherently know if they are repeat customers); and listing an alert via the customer display screen for each of the determined service seekers (paragraph 385: "The module manages login notification 2510 by alerting the shopper when they login 2506 and alerts shoppers immediately of sales or bargains through the PNQ via the process notification 2510 processing. Wireless

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notifications of sales items for shoppers may also be used.”). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Faber to include the repeat customer features of Pugliese to make a more user-friendly system that tracks frequent customers to allow for better marketing which in turn makes for a more comprehensive and marketable product.

As per claims 10 and 20, Faber does not explicitly teach listing the service seekers according to a method of receiving advice communication. Pugliese teaches that it is known to list the service seekers according to a method of receiving advice communication, wherein the method of receiving advice communication includes one of a telephone advice conversation, a recorded advice communication and an e-mail advice communication (paragraph 126: “The shopping history file contains shopping history data based on shopper's previous shopping sessions including purchases.” Whereby the customers can be sorted according to their history file which would include method of contact with the provider.). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures Faber with the advice communication method features of Pugliese in order to make a more comprehensive and marketable product.

As per claims 21 and 26, they recite substantially the same limitations as claim 1 and 7 and are therefore subject to the same art rejection(s).

As per claims 22 and 27, Faber teaches lists of service seekers but fails to explicitly teach an assignment command. Pugliese teaches that it is known to select one or more service seekers

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listed in the service seeker display screen; selecting a service seeker list assignment command; generating one or more service seeker lists; and assigning each selected service seeker to the one or more generated service seeker lists (paragraph 377: "Auction scheduling function 2402 allows merchants to schedule live video auctions and static auctions within the ShopLive application. Merchants update the auction schedule, detailing the auction parameters including dates and products to be included in the auction. Merchants can update the list of participants to be included during automatic notification processing." Which allows the merchant to modify the list of those seekers participating in the auction). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine disclosures of Faber with the service seeker assignment features of Pugliese in order to make a more comprehensive and marketable product.

As per claims 23 and 28, Faber does not teach receiving a service seeker alert for one or more service seekers determined by the system as potential repeat customers according to predetermined criteria. Pugliese teaches that it is known to receive a service seeker alert for one or more service seekers determined by the system as potential repeat customers according to a predetermined criteria (See Figure 2: "View Sales Report", "Customer Order Administration" and "Query Shopper Profile" which would allow the provider to know which customers are buying the products and inherently know if they are repeat customers. This is equivalent to an alert as it performs an identical function in substantially the same manner with substantially the same results. Both are a means to notify the provider of repeat customers.); and contacting the designated service seekers in order to provide incentives for repeat engagement in advice

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communication with the service provider (Rewards server (2300) and paragraph 41: "Still another object of the invention is to create a convenient means of accumulating merchant and product rebate, rewards, incentives and like promotional awards from one or more shopping sessions."). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Faber with the alert features of Pugliese in order to make a more comprehensive and marketable product.

As per claims 24 and 29, Faber teaches selecting one or more service seekers listed in the service seeker display screen; selecting an electronic mail command to generate an e-mail to each of the selected service providers, including compensation incentives for repeat advice communication between the service provider and one or more service seekers; when desired by a service seeker, engaging in an advice communication between the service seeker and the service provider. However, Faber does not explicitly teach compensation incentives. Pugliese teaches that it is known to follow completion of the advice communication, receiving, by the service seeker, the compensation incentives (Rewards server (2300) and paragraph 41: "Still another object of the invention is to create a convenient means of accumulating merchant and product rebate, rewards, incentives and like promotional awards from one or more shopping sessions"). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Faber with the incentives features of Pugliese to pay the services providers for services rendered to customers.

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As per claims 25 and 30, Faber does not explicitly teach blocking a service seeker.

Pugliese teaches that it is known to select one or more service seekers listed in the service seeker display stream; selecting a service seeker block command; and blocking, by the service provider system, the selected service seekers from receiving and engaging in advice communication with the service provider (Official notice is taken that an inherent feature of internet email systems is having the ability to block various addresses). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Faber with the service seeker blocking features of Pugliese in order to prevent unauthorized users from accessing the system.

As per claim 31, Faber teaches all the limitation of the claimed invention but does not explicitly teach linking the customer management interface with the service seeker database.

Pugliese teaches that it is known to have a processor having circuitry to execute instructions; a customer management interface coupled to the processor, the customer management interface to receive access request from one or more service providers of the system, and to display one or more customer management screens in response to one or more service providers (see Figure 2 where there is a customer interface and provider interface and a means to search the information the system contains); a service seeker transaction database including a transaction record for each service seeker having received advice regarding a field of service from a service provider of the system (See Figure 2 where the system contains a database that contains records of all shopper's profiles etc.); and a storage device coupled to the processor, having sequences of instructions stored therein, which when executed by the processor cause the processor to:

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determine a service provider ID code, generate a list of service seekers having received advice regarding a field of service from a service provider corresponding to the determined service provider ID code, and display the listing of service seekers, via a customer management screen, to enable relationship management of the listed service seekers (paragraph 163: "In the Creations environment, shoppers will use portable devices that will hold identification, shopping cart, and other information pertinent to the shopping experience. These devices could be tokens, smart cards, biometrics readers, Portable Digital Assistants (PDA), and identification cards such as the AirCard.TM. User information and application logic will be shared between these devices (clients) and servers in the ShopLive and Creations environments." Whereby the system contains ID codes (in various forms as mentioned) and will generate a list of all the shoppers participating in the auction.). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine disclosures of Faber with the integration features of Pugliese with the motivation to make easy entry of information.

As per claim 32, Faber does not explicitly teach a service provider database. Pugliese teaches that it is known to have a service provider database including each service provider available from the system (paragraph 13: "This database accumulates merchant and payment type sales data to create a more complete shopper purchasing profile. It also accumulates data on how the shopper accesses merchants by the method of portal used to enter the ShopLive system. The database allows merchants to offer shoppers items at locations nearest them and tailor sales and promotions to fit the buying pattern of their Shopper group."); a system interface to provide a service seeker with a list of available fields of service, accept a field of

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service desired by the service seeker, provide the service seeker with a list of one or more service providers stored in the service provider database which match a field of service desired by the user, and receive a selection from the user for a selected service provider (See Figure 2 where the merchants catalog and inventory is posted and Figure 6 where the shopper is able to query this information and find providers that match what they need.); and a communication interface, coupled to the processor, to connect the service seeker with the selected service provider to receive advice communication regarding the selected field of service from the service provider (See Figures 6 and 8 which allow the seeker to search the providers and their product offerings.). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine disclosures of Faber with the service seeker database features of Pugliese in order to provide easy access to the Faber's system.

As per claim 33, Faber does not explicitly teach generating records for the service provider database. Pugliese teach that it is known to have a provider interface for receiving a request from a service provider of a field of service for inclusion in the service provider database, and generate a record in the service provider database, the record including provider information contained in the request (See Figure 2 where the database contains records of all the indicated information: marketing and traffic reports, merchant catalogs, inventory, sales reports, shopper profiles etc). Pugliese is an analogous art as it also teaches about managing services and products. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosures of Faber with the service provider database features of Pugliese in order to provide easy access to the Faber's system.

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### **Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623

12/10/07